

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DARNELL QUEEN,)	
)	
Petitioner, <i>pro se</i> ,)	O-R-D-E-R
)	
v.)	1:10CV41
)	
SHERIFF B. J. BARNES,)	
)	
Defendant.)	

On June 29, 2011, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, Notice was served on the parties in this action and a copy was given to the court. Within the time limitation set forth in the statute, Defendant filed a limited objection to one part of the Recommendation. The Plaintiff did not object.

The Court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination. The Court hereby adopts the Magistrate Judge's Recommendation in full.

IT IS HEREBY ORDERED that this case be dismissed based on Plaintiff's failure to exhaust administrative remedies as discussed in the Order entered on February 16, 2011. All pending motions in the case should be and are terminated. The Defendant's motion for relief from fraudulent filings is denied without prejudice. The action should be closed. A judgment dismissing this action will be entered contemporaneously with this order.

This the 29th day of July, 2011.


 UNITED STATES DISTRICT JUDGE